

THE WORLD BANK/IFC/M.I.G.A.

DATE: February 22, 2003

TO: Lars T. Soeftestad, Manager, Supras Consult, Consultant

FROM: Hans-Werner Wabnitz, Sr Counsel, LEGAF, Task team leader

EXTENSION: 81583

SUBJECT: **Mauritania – Technology Fosters Tradition Initiative (TF051328-MAU)**
Terms of Reference

1. You will participate in the Technology Fosters Tradition Initiative (TFT) on management of local natural resource conflicts, and legal reform in Mauritania, with me as task team leader.

**Background and Overall Framework for the
Technology Fosters Tradition Initiative**

2. The TFT is a joint activity of the World Bank and the German Gesellschaft für Technische Zusammenarbeit (GTZ). The Global Legal Information Network (GLIN) is a partner of the TFT.

3. As outlined in the initiating Concept Note (June 2002), increased demands are being placed upon specific ecosystems in Mauritania by population growth, rapid urbanization and overexploitation of resources. The resulting major problems that are threatening sustainable economic development, human health and ecosystem resilience, include desertification, erosion and flooding, habitat destruction, and are accentuated by conflicts over access rights. These problems are adversely affecting inland rangeland and agricultural communities and ecosystems.

4. Country Strategy. The Initiative is consistent with the country strategy in that it will assist in identifying opportunities for programs that emphasize cross-sectoral coordination in addressing key environmental problems, and contribute to poverty reduction and sustainable natural resource management.

5. Objectives. The main objectives are to: (i) reduce conflicts over access to specific natural resources among local people, and (ii) achieve economically sustainable natural resource management and environmental protection through participatory law making, and use of the Internet (GIS) to visualize the target area and the rights attached to it (GLIN).

6. Connected with these objectives are a number of stipulations for value-added for selected stakeholder categories.

For the beneficiaries, they are: (i) clarifications of existing property- and use-rights, (ii) graphical representation of property and use-rights, (iii) empowerment to safeguard and enforce property- and use-rights, and (iv) facilitating the obtainment

of tangible investment support from participating donor projects due to clarification of rights.

For the Government, they are: (i) potentially higher income from livestock taxes, (ii) higher and more sustainable return on marginal lands, and optimal utilization of the various agro-ecological zones, (iii) reduction of conflicts, and (iv) protection of natural resources, the environment (incl. biodiversity protection), and nomadic cultures.

For the World Bank and GTZ, they are increased understanding of: (i) the importance of pastoralism in the rural economy of a Sahelian country, (ii) the importance of traditional knowledge in traditional/local natural resource management, and (iii) the relevance of embedding traditional values in the content of regulations and laws, of respecting tradition in form and concept when writing regulations and laws in order to assure adherence.

7. Consultative Process. Identification started in 2001 with a series of workshops involving key stakeholders, organized in Washington D.C. and Nouakchott. The Initiative will be initiated during a mission in March 2003. The focus on consultations with all stakeholders will continue throughout the Initiative, and there will be significant client participation.

8. Approach. A number of different approaches are available for conducting an analysis of conflicts in connection with rangeland management, and for identification of management options. In the present exercise, the following set of approaches have been selected: (i) identify a suitable target area and, based on an assessment of existing reports and studies in relevant sectors, identify priority environmental and social problems in the target area; (ii) identify, through a highly participatory process of extensive consultation with the population having access to the target area, the actual use rights on natural resources, (iii) collection of relevant data, (iv) visualization of the identified use rights, by type of resource use and authorized party, in interaction with the population, on paper and in electronic form, (v) identification of more cost-effective interventions for mitigating the critical problems, if applicable, based on appropriate environmental economic analyses of these interventions, and their discussion with the population; (vi) analysis of data, formalization in format and presentation and dissemination, and, (vii) observation of the adherence to the identified use rights by said local population.

9. While the basic approach is applicable to all of the Mauritanian territory, the present Initiative is understood as a pilot, focusing on select biomes/ecosystems and a limited geographical area.

10. Issues. The main issues to be addressed during the Initiative are the following: (i) as the Initiative intends to collect and monitor the adherence by the local population to local use rights, appropriate methodologies need to be adopted to accurately record these rights without distortion, (ii) such data will need to be conceptualized, fed back to the population and compared with donors, NGOs and the administration for verification, (iii) in interaction with the population methods might be developed to improve cross-sectoral and vertical institutional coordination among various outside players.

11. The Initiative will build on mechanisms being used in World Bank programs, as well as work being done by other donors and NGOs.

12. Output. The Initiative will map existing local use rights and monitor adherence to them. It will achieve this by assuring the population – following approval of the administration – that they are permitted to do so. Following an extended period of pure observation, the Initiative will reflect on the options for better local management of rangeland and other agricultural resources, if any.

13. This will be achieved through, *inter alia*: (i) codification of traditional property- and use-rights in the local languages, explaining the respective notions in all applicable languages (including a dictionary of terms), (ii) translation of the data into Arabic and French, (iii) establishment of a rural registry based on the identified land-use pattern, (iv) supporting existing relevant traditional institutions, and establishing new co-management institutions among representatives of right holders and the public sector, and (v) make the registry available on the Internet, by means of GIS/GLIN.

14. It is expected that the Initiative will lead to the identification of potential interventions and investments in physical assets and social and legal reform proposals and support for the World Bank, GTZ and other participating partners. It is anticipated that these may include the following: (i) integrated resource management projects aimed at strengthening institutional capacity at the district level for improved coordination for proactive planning, impact assessment, monitoring and enforcement of current and future regulations; (ii) needed reforms in the policy, institutional and regulatory framework for easing conflicts in resource management at the local level; (iii) community oriented projects focusing on improved natural resource management and environmental health; (iv) projects and programs to address biodiversity concerns and land based sources of river and marine pollution; and, (v) education and community awareness programs.

15. It is expected that the sector work would provide important opportunities for the Bank to design innovative, community driven programs in partnerships with local NGOs and the decentralized levels of the public administration.

Specific Tasks

16. You will collaborate with the task team, consisting of staff from the Legal Department and the Africa region of the World Bank as well as staff of World Bank financed Mauritanian agricultural projects and Mauritanian GTZ projects. Your particular responsibilities include: (i) administration, management and coordination of activities of the Initiative, (ii) content research and observation in the social and cultural sectors, (iii) analytical and theoretical assessment of findings stemming from own and third party observations, (iv) participation in workshops, seminars and informal discussions and (v) dissemination of findings.

(A) Administration and Management and Coordination of activities

17. You will, in collaboration with the task team leader, be responsible for overall management. This will include, *inter alia*: (i) establishing and maintaining good working relationships between the TFT and the selected World Bank and GTZ projects, (ii) managing any staff hired to perform specific tasks, whether local or international, (iii) coordinating activities of intervening parties and third party projects in their effect on the Initiative and (iv) contributing to the preparation of progress reports.

(B) Content Research and Observation in the social and cultural sectors

18. Social Assessment as Framework. Your contribution will be made within an overall framework of Social Assessment, applied in order to establish a framework for: (i) participation; and, (ii) identification of priority areas for social analysis with emphasis on legally relevant behavior.

19. Analysis of existing use-right observance. Building upon existing work and experience, inside as well as outside the task team, based on the information of the local population pertaining to existing use rights, you will analyze the interests of members of the local population and what their negotiable positions are. Such analysis is central to developing a mechanism for sustaining local participation, including institutional arrangements for sustaining such participation. In your work, you will give particular emphasis to traditional knowledge and to property rights and tenure.

20. Traditional Knowledge. You will contact, in conjunction with local and international consultants, as the case may be, the population in the target area and external parties intervening in the target area or having interests in said area, have extensive discussions with them, and invite them to contribute to the successful implementation of the TFT.

21. Among the local population, you will place particular emphasis on elders, leaders and persons with religious functions and their roles as caretakers of traditional cultural, religious and judicial knowledge, as well as the position, the participation in community functions and the rights of women.

22. Property Rights and Tenure. In order to understand the causes and consequences of conflicts over rangeland resource allocation and use, as well as the recent increase in such conflicts, and furthermore to contribute to conflict resolution, it is necessary to know more about the traditional property rights regimes. Moreover, it is important to understand the role played by local leaders and representatives of the administration in allocating rights to resource use, as well as mediating in conflicts. This linkage between traditional knowledge and tenurial arrangements is crucial and should be a key focus in your work. Finally, the ethnic and gender dimension to such resource conflict would need to be noted.

23. An important part of the community level work will be to do event analyses of actual cases of common property rights and conflicts over them.

24. As background to your own work, and to support the overall analysis, you will spend some time studying secondary material relating to the following:

- (i) Study, in general terms, the rangeland communities in Mauritania in terms of, for example, ethnic groups, subsistence adaptation, culture, social structure and inter-ethnic relations; and,
- (ii) Carry out a comparison of rangeland communities with those living elsewhere and also, to the extent possible, with other West African rangeland communities.

It is expected that the World Bank project staff and the GTZ project staff and managers in the respective headquarters will identify and make available relevant resource information.

25. Methodology. The methodology to be utilized will primarily consist of: (i) review of prior research, (ii) participant observation, and, (iii) open-ended interviews.

26. As there clearly is an element of learning by doing involved, a series of structured learning workshops are envisaged to ascertain the views of the local population in the target area, in particular the leaders. These workshops would focus on, among others, traditional knowledge; how traditional knowledge can be disseminated in this context, and the existence and status of traditional institutions for local natural resource management and conflict resolution.

(C) Analytical and Theoretical Assessment of Findings

27. Within the above framework, and based on discussions with the task leader and other team members, you will perform several tasks connected with analysis of the implementation, and with developing a generalized analytical model for presenting and understanding the interaction of the complex set of issues and stakeholders involved in the Initiative.

28. Your major task will be to analyze key social issues from the perspective of the interaction between culture and environment, focused around the two interrelated issues of the traditional knowledge pertaining to local management practices on the one hand, and existing tenurial arrangements, institutions, and common property resources on the other hand.

29. As part of this analytical work, you will prepare, as and when necessary, analytical and theoretical presentations (cf. paragraph 32 below).

(D) Participation in Workshops, Seminars and Discussions

30. As indicated, part of the informative and the analytical work will be gathered and obtained in workshops of local, regional or international nature. You will either organize said events, or participate as speaker or silent partner, as the case may be.

The objective of your participation in these events being both, gathering information relevant for the TFT Initiative, and informing participants on the TFT Initiative.

(E) Dissemination of Findings

31. Web site. You will maintain and update the TFT web site, located at: <http://cbrnm.net/web/tft/>, as and when needed.

32. Presentations and conferences. You will present the TFT, and its progress and experiences, to select fora, upon request and as needed. This includes participation in relevant conferences and workshops (cf. paragraphs 29 & 30 above).

(F) Other

33. You will provide evaluation and monitoring data for the biannual update on implementation progress, to be submitted to the Norwegian Trust Fund.

34. Operational Travel. As part of your involvement in this work, you will travel to Mauritania as and when needed. You will write, in coordination with the team leader, specific Statement of Operational Travels Objectives (SMOs) for your participation in each of these activities, and will present a BTO after each such activity.

Task team leader
Consult

Accepted: Supras

Hans-Werner Wabnitz.

Lars T. Soeftestad

CC: Members of the World Bank and the GTZ participating project teams, and Mauritanian counterparts of said projects